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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In re Bard IVC Filters Products
Liability Litigation

NO. MD-15-02641-PHX-DGC

**STIPULATION RE PROPOSED CASE
MANAGEMENT ORDER FOR
DISCOVERY GROUP 1 AND
BELLWETHER GROUP 1 CASES**

1 In accordance with Case Management Orders Nos. 11 [Doc. 1662] and 19 [Doc.
2 4311], the Parties submit this stipulation for entry of a proposed Case Management Order
3 regarding a proposed schedule for Discovery Group 1 and Bellwether Group 1. A copy of
4 the proposed case management order is attached as Exhibit “A”

5 The parties note that CMO 19 requested a schedule through March 1, 2017, but that
6 the Court changed the March 1, 2017 date for the selection process of Bellwether Group 1
7 cases to April 21, 2017 in Case Management Order No. 18 [Doc. 3865]. The Parties
8 further note that they have stipulated to a discovery schedule in the proposed case
9 management order to complete discovery in the Discovery Group 1 and Bellwether Group
10 1 cases by July 14, 2017 – the date of the close of common expert (and, thus, all common)
11 discovery in the MDL. In order to do so, the Parties propose a slight adjustment to the
12 timing of exchanges and submissions to the Court regarding Bellwether Group 1 cases. In
13 order to complete all discovery in those cases by July 14, 2017, the Parties believe a slight
14 adjustment (and primarily a shortening) of that process is necessary.

15 The Parties agree with the Court’s statement in CMO 18 that “all discovery need
16 not be completed in every case in Discovery Group 1 before the bellwether cases are
17 selected, but enough discovery will be needed to ensure the parties have a reasonably
18 informed basis for making selections.” The Parties have met and conferred regarding the
19 scope of discovery and type of witnesses who should be deposed prior to bellwether trial
20 selection. The Parties have agreed that they will submit by December 21, 2016 either a
21 stipulation that addresses those issues or submissions as to the Parties’ competing
22 positions.

23 Additionally, the parties will submit by December 21, 2016 a separate proposed
24 Case Management Order with protocols for conduct of discovery in the Discovery Group
25 1 and Bellwether Group 1 cases; if the parties cannot agree on some or all of the
26 protocols, they will separately submit on that date their positions on the issues in dispute.

Respectfully submitted this 16th day of December 2016.

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Deborah Yanazzo